

# FILING A SEXUAL MISCONDUCT COMPLAINT

## WITH A PROFESSIONAL BOARD ■ WHAT TO EXPECT

**The Division of Consumer Affairs**, and the Boards and Committees that regulate professionals in New Jersey, are dedicated to protecting the public. We want the public to file complaints to let us know when a licensed professional (called a licensee) has committed sexual misconduct. Complaints allow us to open investigations so that the boards can determine whether licensees should be disciplined. A board can suspend or revoke someone's license to practice if they committed misconduct. We know that filing a sexual misconduct complaint can be scary and stressful, so we want you to know **what to expect**.

**Step 1: Complaint.** If you experience, witness, or learn about sexual misconduct, tell someone. Call the police, or talk to a confidential sexual violence advocate at the **New Jersey Coalition Against Sexual Assault (NJCASA)** by calling **1-800-601-7200**. If the person who committed the misconduct has a license from one of [these boards](#), you can file a professional misconduct complaint [here](#), instead of or in addition to pursuing your other options like filing a police report. You don't have to give your name, but anonymous complaints are harder for us to investigate.

**Step 2: Investigation.** After receiving a complaint, the board begins its investigation. It assigns an investigator, who gathers evidence, and a lawyer (*called a Deputy Attorney General, or DAG*) who also works on the investigation. During the investigation, the investigator might interview witnesses (*like you, the licensee, or others*) and collect documents. The DAG may also ask you questions about the case – possibly with members of the board present. The DAG is not your lawyer, and can't give you legal advice. Investigations are confidential, so the investigator and DAG may not be able to tell you about everything that is going on in the investigation, but that does not mean they are not still investigating.

**Step 3: Review.** When the investigation is finished, the board reviews the evidence to decide if it is going to continue with the discipline process. If there is enough evidence to continue, the board may first offer the licensee a chance to settle by accepting some discipline without going any further in the process. Victims who file complaints can expect to talk to the DAG before a case is settled.

If the case is not settled, then a different DAG will take over the case and file misconduct charges with the board to start the formal hearing process. This new DAG may also contact you to discuss the case.

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**New Jersey Office of the Attorney General  
Division of Consumer Affairs**

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**Step 4: Hearing.** Once a DAG files misconduct charges, the DAG and licensee will exchange any written evidence. Eventually there will be a hearing, where the DAG and the licensee present evidence, like in a trial in court. Hearings can take one day or several, depending on how complicated the case is. The board might hold the hearing itself, or ask an administrative law judge at the Office of Administrative Law to hold the hearing instead.

Unfortunately, the process, from investigation through hearing, is sometimes long. The boards take complaints of sexual misconduct very seriously and investigate them carefully, and there are many steps investigators and DAGs must take to make that happen. There may also be delays in getting a hearing scheduled.

Before the hearing, the DAG might ask you to testify. You can talk with the DAG about whether you want to testify, but the DAG cannot provide you with legal advice. The DAG will not require you to testify if you do not want to testify. However, the licensee is allowed to call you as a witness whether or not you want to testify.

**Step 5: Resolution.** After the hearing, the board or administrative law judge considers all the evidence. If an administrative law judge held the hearing, they make a recommendation to the board. In either case, the board makes a final decision. The board will also decide what the penalty should be, if there is one. The board's decision will be made public but your name will not be used in the decision.

**Step 6: Appeal.** If the board disciplines a licensee after a hearing, the licensee can ask a court to review the board's decision. This process is called an appeal. If the court feels there was not enough evidence to support the board's decision, or that there were other serious problems with the hearing, it may set aside the board's decision, or require the board to take another look at the case.